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			EXAMINER BEISNER, WILLIAM H	
			ART UNIT 1744	PAPER NUMBER

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/697,993

Applicant(s)

FISCHER, ANDREW H.

Examiner

William H. Beisner

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 20-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Newly submitted claims 20-25 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:
2. Inventions of the originally filed claims 1-19 (classified in 435/286.5) and newly submitted claims 20-25 (classified in 435/307.1) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of the newly recited claims has separate utility such as being used in the absence of cell flow pathway and reagent flow pathway recited in the originally filed claims. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 20-25 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite because the metes and bounds of the claim cannot be clearly determined. Specifically, it is not clear from the instant claim language whether or not the following elements are intended to be part of the positively claimed apparatus: "a cell sample"; "a sample port"; "a tissue cassette having attached thereto a filter"; "the reagents" and "the reagent port". The instant claim language appears to positively recite "a cell flow pathway" defined by "an inflow tube" and "a reagent flow pathway" defined by "a plurality of reagent delivery tubes". Note the claim merely recites that the cell flow pathway and inflow tube are intended "for delivering cell fragments from a cell sample to a sample port, the sample port being in fluid communication with a tissue cassette having attached thereto a filter". Nothing in this claim language clearly recites that the cell sample and/or sample port and/or cassette and/or filter are part of the claimed apparatus. The same holds true for the language "for delivering the reagents to a reagent port in communication with the sample port". If the sample port, cassette, filter, etc. are intended to be part of the claimed apparatus, the claim language should clearly recite these elements are part of the claimed apparatus.

With respect to claim 2, the further limitation of claim 2 appears to be related to the tissue cassette and filter which have not been positively recited.

With respect to claims 3-6, these claims recite that a pressure is applied, however, claim 1 and claims 3-6 fail to positively recite a device for applying pressure. What structure is being further defined in view of this claim language?

With respect to claims 11-14 and 18, since claim 1 does not appear to positively recite the filter, cassette and/or sample port as part of the claimed device, it is not clear what further structure is defined in view of the positively recited elements of claim 1.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-7, 9-14, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiina et al.(JP 2000-146782) in view of Aeikens et al.(DE 2928790).

With respect to claim 1, the reference of Shiina et al. discloses a cell embedding device that includes a reagent flow pathway defined by a plurality of reagent delivery tubes (See Figure 1, elements 6-8). The tubes are provided in communication with a sample/reagent port (2) in communication with a filter (1) for collecting cells.

While the reference discloses filtering a cell sample on a filter (1) that is provided in communication with reagent delivery tubes, the reference does not disclose the use of a cell flow pathway or inflow tube for delivering cells from a cell sample to a port in communication with the filter.

The reference of Aeikens et al. discloses that it is known in the art to provide cells to a cell collection filter for tissue processing using a cell flow pathway (1) that includes a cell sample and an inflow tube for delivering the cells to a sample port (3).

In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the cell sample required of the primary reference using the system of the reference of Aeikens et al. for the known and expected result of providing an art recognized means for providing a cell sample to a filter for cell/tissue processing techniques.

With respect to claims 2-6, in the absence of positively recited structure further defining the device of claim 1, the combination of the references discussed above is considered to meet the instant claim language since the components of the modified primary reference are capable of being automated and/or communicated with a device for providing a positive or negative pressure (See positive pressure pumps (63,73,83) and negative pressure pump (5)).

With respect to claim 7, the tubes disclosed by the reference of Shiina et al. is capable of delivering any of the listed reagents.

With respect to claims 9 and 10, the reference of Shiina et al. discloses the use of pumps (63,73,83) and valves (62,72,82) for controlling the flow of reagent to the filter. The specific valve employed would have been merely an obvious matter in design choice based on

conventional valves known in the art, including tube-clamping valves which are desirable because they do not contact the contents of the tubes.

With respect to claims 11-14, the filter and tissue cassette have not been positively recited as part of the claimed device and the system of the modified primary reference would be capable of being provided in communication with a tissue cassette housing a removable filter.

With respect to claim 18, the sample port (2) is considered to be disposable.

With respect to claim 19, the device is fully automated as evidenced by controller (9) of the primary reference.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiina et al.(JP 2000-146782) in view of Aeikens et al.(DE 2928790) taken further in view of Weiskopf (US 3,227,130).

The combination of the references of Shiina et al. and Aeikens et al. has been discussed above.

Claim 8 differs by reciting that reagent pathway includes a heated tube.

The reference of Weiskopf discloses that it is known in the art of tissue processing to include a tube heater (64) in the reagent pathway for improving and quickening the effects of the reagents on the tissue being processed (See column 3, lines 1-9).

In view of this teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the reagent pathway of the modified primary reference with a tube heater for the known and expected result of improving and quickening the effects of the reagent on the cells to be processed.

11. Claims 1-7, 9-11 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiina et al.(JP 2000-146782) in view of Aeikens et al.(DE 2928790) taken further in view of Williamson, IV et al.(US 5,817,032).

The combination of the references of Shiina et al. and Aeikens et al. has been discussed above.

With respect to claims 15-17, while the reference of Shiina et al. discloses the use of a vacuum source (5) and pressure gauge (4), the reference does not disclose the use of a waste container and/or a port on the waste container for the vacuum source and/or pressure gauge.

The reference of Williamson, IV et al. discloses that it is known in the art to employ a waste container with a port for connection to a vacuum source (See Figures 39 and 40).

In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the vacuum configuration disclosed by the reference of Williamson, IV et al. to provide the vacuum required of the modified primary reference for the known and expected result of providing an art recognized means for applying a vacuum to a filter while allowing the filtrate to be collected.

With respect to claim 1, if claim 1 is interpreted and/or amended to positively recite a tissue cassette and removable filter, the reference of Williamson, IV et al. discloses that it is known in the art to employ a tissue cassette (10) with a removable filter (14).

In view of this teaching, it would have been obvious to one of ordinary skill in the art to employ the tissue processing cassette disclosed by the reference of Williamson, IV et al. with the tissue processing system of the modified primary reference for the known and expected result of



providing an art recognized means for collecting and processing tissue. Use of the cassette and filter disclosed by the reference of Williamson, IV et al. would facilitate the preparation of a sample for analysis in a microtome.

With respect to claims 2-6, in the absence of positively recited structure further defining the device of claim 1, the combination of the references discussed above is considered to meet the instant claim language since the components of the modified primary reference are capable of being automated and/or communicated with a device for providing a positive or negative pressure (See positive pressure pumps (63,73,83) and negative pressure pump (5).

With respect to claim 7, the tubes disclosed by the reference of Shiina et al. is capable of delivering any of the listed reagents.

With respect to claims 9 and 10, the reference of Shiina et al. discloses the use of pumps (63,73,83) and valves (62,72,82) for controlling the flow of reagent to the filter. The specific valve employed would have been merely an obvious matter in design choice based on conventional valves known in the art, including tube-clamping valves which are desirable because they do not contact the contents of the tubes.

With respect to claim 11, the filter (14) is removable from the cassette (10).

With respect to claim 13, the cassette includes cylindrical port (12).

With respect to claim 14, it would have been well within the purview of one of ordinary skill in the art to determine how to attach the sample port (2) of the reference of Shiina et al. with respect to the filter and cassette disclosed by the reference of Williamson, IV et al. See Figures 39 and 40 which would provide guidance on how to attached element (2) of the reference of Shiina et al. to filter/cassette of the reference of Williamson, IV et al.

With respect to claim 18, the sample port (2) is considered to be disposable.

With respect to claim 19, the device is fully automated as evidenced by controller (9) of the primary reference.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiina et al.(JP 2000-146782) in view of Aeikens et al.(DE 2928790) and Williamson, IV et al.(US 5,817,032) taken further in view of Weiskopf (US 3,227,130).

The combination of the references of Shiina et al., Aeikens et al. and Williamson, IV et al. has been discussed above.

Claim 8 differs by reciting that reagent pathway includes a heated tube.

The reference of Weiskopf discloses that it is known in the art of tissue processing to include a tube heater (64) in the reagent pathway for improving and quickening the effects of the reagents on the tissue being processed (See column 3, lines 1-9).

In view of this teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the reagent pathway of the modified primary reference with a tube heater for the known and expected result of improving and quickening the effects of the reagent on the cells to be processed.

13. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiina et al.(JP 2000-146782) in view of Aeikens et al.(DE 2928790) and Williamson, IV et al.(US 5,817,032) taken further in view of Liu et al.(US 5,691,633).

The combination of the references of Shiina et al., Aeikens et al. and Williamson, IV et al. has been discussed above.

While the references of Shiina et al. and Williamson, IV et al. disclose the use of a filter for the cell sample, these references are silent as to the use of a polycarbonate filter.

The reference of Lui et al. discloses that the use of polycarbonate as a cell filter is well known in the art (See column 1, lines 27-37).

In view of this teaching and in the absence of a showing of criticality and/or unexpected results, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a polycarbonate filter in the system of the modified primary reference for the known and expected result of providing an art recognized means for filtering cells from a sample fluid for further analysis.

### ***Response to Arguments***

14. Applicant's arguments filed 20 Sept. 2004 have been fully considered but they are not persuasive.

With respect to applicant's comments regarding the indefiniteness of claim 1, original and instantly amended claim 1 merely positively recite "a cell flow pathway defined by an inflow tube" and "a reagent flow pathway defined by a plurality of reagent delivery tubes". The current claim language merely recites that the inflow tube is "adapted to be coupled to a sample port". This claim language does not positively recite the sample port as part of the claimed device. The same holds true for the recited reagent port. Note the mere fact that the claim language includes references to "a tissue cassette", "a sample port", "a reagent port", "a filter",

“a cell sample”, and “a pressure source” does not imply that they are positively recited as part of the claimed device. The instant claim language merely implies that these additional structures can be used with the positively recited “inflow tube” and “plurality of reagent delivery tubes”. Applicant’s comments convey to the Examiner that Applicant considers the “sample port” and “reagent port” as positively recited elements of the device of claim 1. The Examiner is not persuaded for the reasons discussed immediately above.

With respect to applicant’s comments regarding the indefiniteness of claim 2, as discussed above, the sample port and reagent port have not been positively recited as part of the device of claim 1. As a result, the tissue cassette cannot be considered as a positive recitation since its structural cooperation has been recited in terms of the sample and reagent ports.

With respect to applicant’s comments regarding the indefiniteness of claims 3-6, applicant’s amendments to claim 1 have not positively recited a pressure source as part of the positively recited device. Claim 1 merely recites “upon the application of pressure from a pressure source”. This reference to the pressure source is intended use language and not a positive structural limitation of claim 1. Note the first paragraph of page 6 of Applicant’s response does not even consider the pressure source a structure of the claimed apparatus.

With respect to applicant’s comments regarding the indefiniteness of claims 11-14 and 18, while it is understood that the filter can be removable from the device, the question at hand is whether the filter is intended to be a positively recited structure defining the claimed device or merely is the device capable of being used with a filter. The Examiner maintains that the instant claim language merely recites that the positively recited structures of claim 1, inflow tube and

plurality of reagent delivery tubes, be merely capable of being used with additional structures such as a pressure source or tissue cassette and/or filter.

As evidenced by Applicant's comments, there is some question as to what structures actually define the intended invention. For this reason, the claims has been deemed indefinite and the rejections of record have been maintained.

With respect to the combination of the references of Shiina et al. and Aeikens et al., Applicants take the position that the combination of the references is improper for the following reasons:

i) The instant invention, in addition to two flow pathways, requires two separate ports, the reagent port and the sample port.

ii) The reference of Shiina et al. has a plurality of reagent tubes that are in contact with on sample/reagent port. The reference of Shiina et al. is absent a teaching or suggestion for two separate ports associated with two separate flow pathways where the reagent port is in communication with the sample port. Applicants state that the sample of Shiina et al. is injected into the same port that the reagents are administered.

iii) The reference of Aeikens et al. merely discloses one flow pathway and does not teach or suggest an apparatus that has two flow pathways, with two separate ports, and where the reagent port is in communication with the sample port.

iv) Based on the teachings of the references of Shiina et al. and Aeikens et al., one of ordinary skill in the art would have used on flow pathway and one port.

In response to argument i) above, in view of the indefiniteness of the language of claim 1, the instant invention merely requires a cell flow pathway defined by an inflow tube and a reagent

flow pathway defined by a plurality of reagent delivery tubes. The combination of the references of Shiina et al. and Aeikens et al. would have at least met these claim limitations. The reference of Shiina et al. suggesting a plurality of reagent delivery tubes and the reference of Aeikens et al. suggesting an inflow tube.

In response to arguments ii) and iii) above, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the instant case, the Examiner is of the position that the combination of the references meets the language of the instant claims.

In response to argument iv) above, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, while the primary reference of Shiina et al. discloses that a sample of cells is provided to the sample container (2), the reference is silent as to the specific means employed to supply the required sample of cells. The reference of Aeikens et al. was relied upon as a reference that teaches a conventional method in which to add cells to a cell filtration device. In view of the disclosure of Aeikens et al., one of ordinary skill in the art would have clearly been motivated to add cells to container (2) of the primary reference using a port/tube construction suggested by the reference of Aeikens et al. for the known and expected result of providing an art recognized means for adding cells to a filtration housing. The resulting

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structure would consist of a sample port (element (2) of Shiina et al.) that is in communication with a plurality of reagent delivery tubes and an inflow tube. In view of these disclosures as discussed above, one of ordinary skill in the art would have been motivated to at least provide an additional port in housing (2) of the reference of Shiina et al. for the addition of cells to the housing prior to exposing the cell sample to the reagent processing methods. Furthermore, it is noted that the features upon which applicant relies (i.e., a sample port, reagent port, and tissue cassette) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to Applicants' comments concerning claims 2-6, the structure suggested by the combination of the references of Shiina et al. and Aeikens et al. would be capable of being used with a tissue cassette and/or with a pressure source. Note, as discussed in the indefiniteness rejection and associated arguments, claims 2-6 as currently drafted do not positively recite the tissue cassette and/or pressure source as positively recited elements of the claimed device.

With respect to claims 7, 9 and 10, Applicants argue that these claims define over the art of record for the same reasons as claim 1. The Examiner maintains that the combination of the references of Shiina et al. and Aeikens et al. meet the limitations of claim 1 for the reasons set forth previously with respect to the combination of the references of Shiina et al. and Aeikens et al.

With respect to claims 11-14, Applicants are of the position that the tissue cassette and filter are adequately defined in claim 1. The Examiner maintains that the structure encompassed

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by the combination of the references of Shiina et al. and Aeikens et al. would be capable of being used with a tissue cassette and filter and thus meet the claim limitations required of claims 11-14.

With respect to claims 18 and 19, Applicants state that the basis of the rejection of claims 18 and 19 is not clear. In response, in the absence of further positively recited claim language, the structure or housing (2) of the primary reference of Shiina et al. is considered to be "disposable". With respect to claim 19, the system disclosed by Shiina et al. is considered to meet the automated claim limitation as evidenced by the presence of controller (9).

With respect to claim 8, Applicants argue that the reference of Weiskopf fails to make up for the deficiencies already argued with respect to the combination of the references of Shiina et al. and Aeikens et al. In response, the reference of Weiskopf et al. was merely relied upon to address the additional limitation of claim 8. The Examiner is of the position that the combination of the references of Shiina et al. and Aeikens et al. address the limitations encompassed by claim 1.

With respect to the combination of the references of Shiina et al. with Aeikens et al. and Williamson et al., Applicants argue that the Office Action fails to give any particular reason for the rejection. In response, pages 7 and 8 of the Office Action specifically address the reason for this rejection. The reference was combined with the references of Shiina et al. and Aeikens et al. to address the use of a waste chamber recited in claims 15-17. However, in view of the indefiniteness of the claims, in particular claim 1, the Examiner also provided rationale for using the tissue cassette disclosed by Williamson et al. with the processing system suggested by the combination of the references of Shiina et al. and Aeikens et al.



Applicants also argue that the reference of Williamson et al. fails to make up for the deficiencies already argued with respect to the combination of the references of Shiina et al. and Aeikens et al. In response, the reference of Williamson et al. was merely relied upon to address the additional limitations of claims 15-17. The Examiner is of the position that the combination of the references of Shiina et al. and Aeikens et al. address the limitations encompassed by claim 1.

With respect to the rejection of claims 8 and 12 taken further in view of either the reference of Weiskopf or Liu et al., Applicants argue that the reference of Weiskopf or Liu et al. fail to make up for the deficiencies already argued with respect to the combination of the references of Shiina et al. and Aeikens et al. In response, the reference of Weiskopf and Liu et al. were merely relied upon to address the additional limitations of claims 8 and 12. The Examiner is of the position that the combination of the references of Shiina et al. and Aeikens et al. address the limitations encompassed by claim 1.

### ***Conclusion***

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

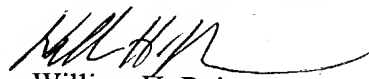
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Beisner whose telephone number is 571-272-1269. The examiner can normally be reached on Tues. to Fri. and alt. Mon. from 6:15am to 3:45pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
William H. Beisner  
Primary Examiner  
Art Unit 1744

WHB